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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Continued Prosecution Application of:

Goto, *et al.*

Appl. No.: 09/338,063

Filed: June 23, 1999

For: **Novel Proteins and Methods for
Producing the Proteins**

Art Unit: 1644

Examiner: Ewoldt, G.

Atty. Docket: 16991.005

Commissioner for Patents
Washington, D.C. 20231

Sir:

STATEMENT ON THE AVAILABILITY OF DEPOSITED MATERIAL

Tohru
I, Watanabe, am in a position to verify that hybridomas A1G5, D2F4, and E3H8, which were deposited on February 5, 2001 as Accession Nos. FERM BP-7441, FERM BP-7442, and FERM BP-7443, respectively, in the National Institute of Bioscience and Human - Technology National Institute of Advanced Industrial Science and Technology, will be maintained in a public depository for a term of at least 30 years and at least five years after the most recent request for the furnishing of a sample of the deposit is received by the depository. In any case, samples will be stored under agreements that would make them available beyond the enforceable life of any patent issuing from the above-referenced application.

August 9, 2002
Date

Tohru Watanabe
Signature

Tohru Watanabe
Name:

Title:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Goto et al.
SERIAL NO.: 09/338,063 GROUP NO.: 1644
FILING DATE: June 23, 1999 EXAMINER: Ewoldt, G.
TITLE: NOVEL PROTEINS AND METHODS FOR PRODUCING THE
PROTEINS

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

STATEMENT ON THE AVAILABILITY OF DEPOSITED MATERIAL

I, Hiroshi Niki, am in a position to verify that all restrictions imposed by the depositor on the availability to the public of hybridomas, A1G5, D2F4, and E38H, which were deposited on February 5, 2001 as Accession Nos. FERM BP-7441, FERM BP-7442, and FERM BP-7443, respectively, in the National Institute of Bioscience and Human-Technology National Institute of Advanced Industrial Science and Technology, will be irrevocably removed upon granting of a patent on the instant application.

Nov. 2, 2001
Date

仁木 弘
Name: Hiroshi Niki, Ph.D.
Title: Managing Director

(Translation)

INTERNATIONAL FORM

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION
OF THE DEPOSIT OF MICROORGANISMS FOR THE
PURPOSES OF PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT

issued pursuant to Rule 7.1 by the INTERNATIONAL
DEPOSITARY AUTHORITY identified at the bottom
of this page.

TO DEPOSITOR:

Name: Research Institute of Life Science
Snow Brand Milk Products Co., Ltd.
General Manager: Syozo OBA
Address: 519 Aza Hanabayashi, Ohaza Shimoishibashi,
Ishibashi-Cho, Shimotsuga-gun, Tochigi-ken,
329-05, JAPAN

I. IDENTIFICATION OF MICROORGANISM	
Identification Reference Given by the Depositor: ALG6	Accession Number: PERM BP-7441
II. A SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC POSITION	
The microorganism identified under I above was accompanied by a document stating the following item(s). <input checked="" type="checkbox"/> A Scientific Property <input checked="" type="checkbox"/> Taxonomic position	
III. RECEIPT AND ACCEPTANCE	
This authority accepts the microorganism identified under I above, which was received on February 5, 2001.	
IV. RECEIPT OF TRANSFER	
This authority received the microorganism identified under I above on . . . and transfer of the deposit based on the Budapest Treaty on . . .	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: Natinal Institute of Bioscience and Human-Technology Natinal Institute of Advanced Industrial Scienceand Technology	
Representative: Ohashi Shinichi (Sealed) Dr. Ohashi Shinichi, DIRECTOR GENERAL	
Address: 1-3, Higashi 1-chome, Tsukuba-shi, Ibaraki-ken 305-8566, JAPAN	
Date: February 5, 2001	

(Translation)

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329-05, JAPAN

I. IDENTIFICATION OF MICROORGANISM

Identification Reference Given
by the Depositor:
D2F4

Accession Number:

FERM BP-7442

II. A SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC POSITION

The microorganism identified under I above was accompanied
by a document stating the following item(s).

- ☒ A Scientific Property
- ☒ Taxonomic position

III. RECEIPT AND ACCEPTANCE

This authority accepts the microorganism identified under I
above, which was received on February 5, 2001.

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Date: February 5, 2001

(Translation)

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Address: 519 Aza Hanabayashi, Ohaza Shimoishibashi,
Ishibashi-Cho, Shimotsuga-gun, Tochigi-ken,
329-05, JAPAN

I. IDENTIFICATION OF MICROORGANISM	
Identification Reference Given by the Depositor: E3H8	Accession Number: FERM BP-7443
II. A SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC POSITION	
The microorganism identified under I above was accompanied by a document stating the following item(s). <input checked="" type="checkbox"/> A Scientific Property <input checked="" type="checkbox"/> Taxonomic position	
III. RECEIPT AND ACCEPTANCE	
This authority accepts the microorganism identified under I above, which was received on February 5, 2001.	
IV. RECEIPT OF TRANSFER	
This authority received the microorganism identified under I above on and transfer of the deposit based on the Budapest Treaty on	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: Natinal Institute of Bioscience and Human-Technology Natinal Institute of Advanced Industrial Science and Technology	
Representative: Ohashi Shinichi (Sealed) Dr. Ohashi Shinichi, DIRECTOR GENERAL	
Address: 1-3, Higashi 1-chome, Tsukuba-shi, Ibaraki-ken 305-8566, JAPAN	
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TITLE: NOVEL PROTEINS AND METHODS FOR PRODUCING THE
PROTEINS

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

CORROBORATION OF BIOLOGICAL DEPOSIT UNDER MPEP §2406.02

I, Syozo Oba, am in a position to corroborate that the biological material, A1G5, D2F4, and E38H which was deposited on February 5, 2001 as Accession Nos. FERM BP-7441, FERM BP-7442, and FERM BP-7443, respectively, in the National Institute of Bioscience and Human-Technology National Institute of Advanced Industrial Science and Technology is the biological material specifically identified in the above-referenced patent application.

3/23, 2001
Date

Syozo Oba
Name: Syozo Oba
Title: General Manager
Research Institute of Life Science
Snow Brand Milk Products Co., Ltd.